

REMARKS

This application has been carefully reviewed in view of the above-referenced Office Action, and reconsideration is requested in view of the following remarks. Claims 1-22 are pending. Claims 1, 8, 12, 19 and 21 are amended, with support for the amendments found on page 2, lines 9-12 and 21-23 of the as filed specification. Claims 1-22 stand rejected.

Regarding the Claim Objections

Claim 19 has been objected to as containing a repeated word. The claim has been amended to strike the second repetition of the word "device" in line 10 of the claim. Applicants appreciate the Examiner's notation of this minor error. Reconsideration of claim 19 is respectfully requested.

Regarding the Rejection under 35 U.S.C. §102

All claims were rejected under 35 USC 102(e) as being anticipated by Safadi et al (US Patent Publication 2003/0126608, hereinafter "Safadi"). These rejections are respectfully traversed.

Regarding independent claims 1, 8, 12 and 19, claims 1 and 8 recite at least "at the point of deployment module device co-located with a retail host television receiver device" and "transcoding the stream of video data associated with said host display device", and claims 12 and 19 recite at least "means forming a part of the point of deployment module device co-located with a host retail television receiver device for receiving a stream of video data from the host television receiver device" and "a transcoder that transcodes the stream of video data associated with said host display device to convert the stream of video data to a second coding." In order to anticipate a claim a reference must disclose every element of the claim. The office action asserts that Safadi discloses every element of independent claims 1, 8, 12 and 19, however, it does not disclose the above recited claim features.

Safadi discloses processing a streaming media content data stream for delivery over the existing delivery network for decoding and display by the player. The Office Action seems to

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assert that Safadi discloses the above recited features of claims 1, 8, 12 and 19 in paragraphs [0013] and [0032] of Safadi, however, it does not.

In paragraph [0013], Safadi discloses a plurality of devices that may form elements of a video delivery system, including a display device such as a television, and in paragraph [0032] Safadi discloses *"The transcoder 130 for transcoding the streaming media content may be located at a video delivery system headend (e.g., headend processing system 100). The transcoded streaming media content is then delivered to the consumer device 200 for decoding and display over an existing delivery network 60."* This disclosure in Safadi is very different from the features recited in the above enumerated claims in at least two significant ways. The first is that a point of deployment module is co-located with a display device such as a television that is located within a consumer's location, a retail deployment. In Safadi, although the delivery of a transcoded data content stream is intended for a consumer location, the data stream is transcoded within a headend device as it is received from a service provider. This is very different from a transcoder co-located and associated with a television display device at a consumer's location. A headend may be located at a different site entirely and be responsible for the decoding of data streams intended for multiple users. Thus, Safadi does not provide the disclosure required to anticipate this feature of claims 1, 8, 12 and 19. In fact, carrying out the transcoding at the headend, may not be practical for multiple encodings, since doing so would require placing the same content in different encoding over the same transmission medium thereby consuming more bandwidth.

The second difference is in the processing recited in claims 1, 8, 12, and 19 and that disclosed in Safadi. Safadi discloses in paragraphs [0023] and [0032] that the transcoding function is located within a headend device. In this regard, the content data stream is received directly from a service provider into the headend device, transcoded there, and only then distributed to a consumer's television display device. Claims 1, 8, 12 and 19 recite that the data content stream is received by the consumer's television first. The consumer's television calls the point of deployment (POD) module device, passing the stream of data content to the POD, where the transcoding of the data stream occurs. The content data stream is then returned to the television display device for viewing by the consumer. This is very different from the process

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disclosed in Safadi. The process in Safadi occurs in the headend equipment with no interaction with the consumer's television display device until after transcoding has been completed, only then is the transcoded data content stream sent to the television display device. This is very different from the process recited in claims 1, 8, 12 and 19. The disclosure in Safadi does not provide for the flexibility of each individual user to have a transcoding function directly associated with their individual television display device such that each individual user may utilize a different format, if desired. Safadi discloses a process that does not interact with individual consumers until after the transcoding step is completed, such that individuals that may have switched to a different format unknown to the headend equipment would not be able to view the content data stream distributed by the headend. Thus, Safadi does not provide the disclosure to anticipate each element of independent claims 1, 8, 12, and 19. Reconsideration and allowance of independent claims 1, 8, 12 and 19 and all claims dependent therefrom are respectfully requested.

Regarding claims 2-7, 9-11, 13-18 and 20-22, these claims inherit the features of claims 1, 8, 12 and 19 and are patentable over Safadi for at least the same reasons. Therefore, reconsideration and allowance of claims 2-7, 9-11, 13-18 and 20-22 is respectfully requested.

Concluding Remarks

The undersigned additionally notes that many other distinctions exist between the cited art and the claims. However, in view of the clear distinctions pointed out above, further discussion of each distinction is clearly unnecessary at this time. Failure to address each point raised in the Office Action should accordingly not be viewed as accession to the Examiner's position or an admission of any sort.

In view of this communication, all claims are now believed to be in condition for allowance and such is respectfully requested at an early date. If further matters remain to be resolved, the undersigned respectfully requests the courtesy of a telephone or personal interview. The undersigned can be reached at the telephone number below.

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Respectfully submitted,

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